

**U.S. District Court
Northern District of Alabama (Southern)
CIVIL DOCKET FOR CASE #: 2:11-cv-04315-JEO**

Turner v. President of the United States et al
Assigned to: Magistrate—Judge John E Ott
Cause: 42:1983 Civil Rights Act

Date Filed: 12/22/2011
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

James Timothy Turner
*and the Sovereign People of the Republic
for the United States of America*

represented by **James Timothy Turner**
285 East Broad Street
Ozark, AL 36360
PRO SE

V.

Defendant

President of the United States

Defendant

**Speaker of the House of Representatives
of the United States**

Defendant

**President of the Senate of the United
States**

Defendant

Attorney General of the United States

Defendant

**Governors of the Fifty States of the
United States**

Defendant

County Commissioners
of the 3131 Counties of the United States

Defendant

Sheriffs
of the 3131 Counties of the United States

Defendant

Doug Valeska
District Attorney, Houston County

Defendant

Bob Paudert
Chief of Police West Memphis, Arkansas

Defendant

Andy Hughes
Sheriff, Houston County

Defendant

Wally Olson
Sheriff, Dale County

Defendant

Greg Ward
Sheriff, Geneva County

Defendant

Dave Sutton
Sheriff, Coffee County

Defendant

Tommy Thompson
Sheriff, Barber County

Defendant

Will Maddox
Sheriff, Henry County

Defendant

Heath Taylor
Sheriff, Russell County

Defendant

Dothan Eagle Newspaper

Date Filed	#	Docket Text
12/22/2011	<u>1</u>	COMPLAINT against Attorney General of the United States, County Commissioners, Dothan Eagle Newspaper, Governors of the Fifty States of the United States, Andy Hughes, Will Maddox, Wally Olson, Bob Paudert, President of the Senate of the United States, President of the United States, Sheriffs, Speaker of the House of Representatives of the United States, Dave Sutton, Heath Taylor, Tommy Thompson, Doug Valeska, Greg Ward (Filing fee \$ 350.00 receipt #B4601029477) filed by James Timothy Turner.(KGE,) (Entered: 12/22/2011)

James Timothy Turner

Plaintiff *in propria persona*

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Ozark, Alabama 36360

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UNITED STATES DISTRICT COURT, NORTHERN *Southern*
~~Division~~ DISTRICT OF ALABAMA

James Timothy Turner, et al, and the
 Sovereign People of the Republic for
 the United States of America,

Plaintiffs,

v.

President of the United States,
 Speaker of the House of
 Representatives of the United States,

President of the Senate of the
 United States,

Attorney General of the United States,

Governors of the Fifty States of the
 United States,

County Commissioners and Sheriffs of
 the 3131 Counties of the United States,

Doug Valeska District Attorney,
 Houston County, et al

Bob Paudert Chief of Police West
 Memphis, Arkansas et al,

Defendants continued,

) CIVIL RIGHTS COMPLAINT

) TRIAL BY JURY DEMANDED

) 42 U.S.C. §1983, 1985, 1986

) NONFEASANCE,
) MALFEASANCE,
) MISFEASANCE, AND LIBEL

) CV-11-JEO-4315-S

Sheriff Andy Hughes, Houston County)
et al, Sheriff Wally Olson, Dale County)
et al, Sheriff Greg Ward, Geneva)
County et al, Sheriff Dave Sutton)
Coffee County et al, Sheriff Tommy)
Thompson, Barber County et al, Sheriff)
Will Maddox, Henry County et al,)
Sheriff Heath Taylor, Russell County et)
al,)
Dothan Eagle Newspaper,)
Defendants,)

A. INTRODUCTION

1. William Foust (Foust), unarmed at that material time, lost his life dishonorably at the hands of law enforcement agents. His only “crime” was for teaching concerned citizens how to fight home foreclosures successfully because the Defendants have done nothing concrete or particularized to save millions of homes from fraudulent foreclosure sales.

2. James Timothy Turner, who was associated with Foust is being subjected to a series of well-planned and well-executed smear campaigns while being branded an anti-government person by the Dothan Eagle newspaper. Both Foust and Turner, who have thousands of followers, have been steadfast in teaching the principles of the Holy Bible and the United States Constitution regarding civil rights and honest services as promised by the Defendants.

Yet, Defendant Dothan Eagle cause libel, slander and defamation to be occasioned upon the Plaintiff. Plaintiff has suffered public odium, hatred, contempt, loss of reputation, and humiliation as a result of Defendant Dothan Eagle's libelous newspaper articles featuring Plaintiff as a bad person.

3. John the Baptist, who went about teaching about the righteousness and the Kingdom of God to his numerous followers, was beheaded by King Herod. See Mark 6:14-29, King James Version, Holy Bible. Herod was afraid that John the Baptist would start a rebellion because of his vastly growing band of followers. Jesus of Nazareth met the same fate at Golgotha.

4. Plaintiff Turner, obviously, fears for his life for teaching the teachings of Jesus the Risen Christ through the Holy Bible, which has been declared by federal law as the Word of God. See Public Law 97-280 of October, 1982.

5. In America today, the Bill of Rights stand strong and solid as a bulwark against excessive government. That was, and is, the only protective shield we, the people, have in our arsenal of protective rights. The original Ten Amendments were entrenched in our Constitution without which there would have been no ratification of the Constitution in 1791.

6. Two of the 8 Points of the Atlantic Charter of August 14, 1941 – a vision of both the United States and Great Britain spearheaded by President Franklin D Roosevelt and Prime Minister Winston Churchill for a post-World War II world – was to work to establish freedom from fear and want; to establish self-determination as a right for all people.

Plaintiffs contend that these noble visions were loosely entrenched in our social compact with no scriptural, biblical or constitutional moorings.

7. For Justice Hugo Lafayette Black, Associate Justice of the United States Supreme Court (1937-1971), the Bill of Rights was a set of relevant protections against governmental mischief. He explained in *Adamson v. California*, 332 U.S. 46 (1947) at 89, that:

I cannot consider the Bill of Rights to be an outworn 18th century ‘strait jacket’ . . . Its provisions may be thought outdated abstractions by some. And it is true that they were designed to meet ancient evils. But they are the same kind of human evils that have merged from century to century wherever excessive power is sought by the few at the expense of the many. In my judgment, the people of no nation can lose their liberty so long as the Bill of Rights like ours survives and its basic purposes are conscientiously interpreted, enforced, and respected so as to afford continuous protection against old, as well as new, devices and practices which might thwart those purposes . . . I would follow what I believe was the original purpose of the Fourteenth Amendment – to extend to all people of the nation the complete protection of the Bill of Rights. To hold that this Court can determine what, if any, provisions of the Bill of Rights will be enforced, and if so to what degree, is to frustrate the great design of a written Constitution.”

8. In the *Federalist Papers*, the inspiration and motivation for the U.S. Constitution, the three authors declared: “for a written constitution will always impede each generation’s quest for moral and political progress. It is

the means whereby political principles can hedge in popular passions. (*Federalist* #10, 52, 78-83).

9. John Stuart Mill "*On Liberty*:" wrote that "the disposition of mankind whether as rulers or as fellow citizens, to impose their own opinions and inclinations as a rule of conduct upon others, is so energetically supported by some of the best and some of the worst feelings incident to human nature, that it is hardly ever kept under restraint by anything but want of power." Therefore, a **written constitution** is the best defense to keep the good intentions of those who rule from running amok (emphasis added.)

10. Justice Marshall observed in *McCulloch v. Maryland*, 17 U.S. 316 (1819), that "peculiar circumstances of the moment may render a decision more or less wise, but cannot make it more or less unconstitutional."

11. Justice Douglas observed in *Harper v. Virginia Board of Elections*, 383 U.S. 663, 86 S. Ct. 1079, 16 L.Ed.2d 169 (1966), that the "job of the judiciary is to adapt the Constitution in order to keep it current, and that the Equal Protection Clause of the Fourteenth Amendment, U.S. Constitution is not shackled to the political theory of a particular era."

12. In America today, the U.S. Constitution, as the supreme law of the land, is conveniently ignored and disobeyed by the Defendants as officers entrusted with providing a limited government. When politically expedient, Defendants circumvent the Constitution by constitutional amendment protocols, or by legislation, as in the case of the Eleventh Amendment which overruled *Chisolm v Georgia*, 2 U.S. (2 Dall.) 419 (1793). Plaintiffs are aware that constitutional amendments could be held in secrecy in accordance

with Article 1, section 5, clause 3 of the U.S. Constitution. Transparency and accountability could very well be replaced by secrecy to the detriment of the people at large. Pointing this anomaly could be seen as an anti-government stance as Plaintiff Turner is currently facing through repeated and constant media attack.

13. The Constitution for the United States of America is an enduring document for all times. The seventeen amendments guarantee rights for those entrusted with running the government, and not for the followers of Plaintiff Turner. It portends an erosion of the rights originally promised, assured and guaranteed in the Ten Amendments.

B. PRINCIPAL ISSUE

1. Plaintiffs seek the intercession of the judiciary, as guardians of the Constitution and as interpreters of the law, to sustain Plaintiffs' claim for relief as the Defendants are engaged in juggernaut politics.

42 U.S.C. §1983, 1985, 1986 are federal laws that provide causes of action for plaintiffs claims against the Government of the United States. Plaintiffs have been harassed, threatened and intimidated for citing and quoting the various and numerous principles of ethical and moral conduct required of Government Officials and Government Agencies who fail to measure up to the mandates of the Holy Bible and the 10 Amendments of the Bill of Rights, United States Constitution.

2. Defendants had, and have knowledge that they are perpetrating wrongs that are detrimental to the Plaintiffs and to others who follow the teachings

of Plaintiffs who wish to uphold the principles and mandates of God's Law and the U.S. Constitution in restoring this great country to its original moorings without the influence of the Westphalian philosophy or by Progressive mindsets that have redefined morals and ethics through the prism of "political correctness" by jettisoning God from government.

C. FACTS AND BACKGROUND

"More and more we lawyers are awaking to a perception of the truth that what divides and distracts us in the solution of a legal problem is not so much uncertainty about the law as uncertainty about the *facts* – the facts that generate the law. Let the facts be known as they are, and the law will sprout from the seed, and turn its branches toward the light" (Justice Benjamin N Cardozo) (emphasis added).

Fact One: The United States government has shifted responsibility and accountability, from its original moorings as a constitutional republic, to that of a corporation. This act was codified as 28 U.S.C. Chapter 176 §3002 (15)(a)(b)(c). This corporate status adds to the Plaintiffs' claim for sovereign immunity. This is not what the nation's founders and framers intended in the compact with the people of the original thirteen colonies and its descendants through increased population and statehood.

FIRST CAUSE OF ACTION and Fact Two: The family of William Foust (Foust) has suffered irreplaceable and irreparable damage due to the loss of the patriarch of the family. Foust, unarmed at that material time, was gunned down by law enforcement officers of Pace, Arizona. Foust became learned in the law regarding mortgage fraud and replevin bonds. Foust, admittedly

and obviously, became a threat because of his intellectual prowess in the law when he won several foreclosure cases for victims of predatory lending and equity stripping by mortgage banks. Foust was executed by agents of the Defendants. This will be proven during trial. Law enforcement agents and agencies, in order to justify their unbridled power and force, conveniently conform to the nebulous standard of “resisting arrest.” The Escobedo Rule is violated every time an arrest is made even without probable cause.

SECOND CAUSE OF ACTION and Fact Three: Plaintiff Turner, and other plaintiffs, have been subjected to smear campaigns, harassment, threats, and other forms of intimidation while being branded as terrorists, separatists and extremists. Plaintiffs are afraid for their lives because they could be arrested and detained on false and spurious charges under color of law. These plaintiffs have been teaching and propagating the principles of the Holy Bible that underscores peace and forgiveness and the laws of the Constitution for the United States of America. These teachings are being considered deviant and anti-government. Lies have speed, but truth has endurance, as will be proven during trial.

THIRD CAUSE OF ACTION and Fact Four: Defendant Dothan Eagle’s articles are specious, acrimonious, and malicious. Exhibit1. It is a deliberate design to bring Plaintiff to public hatred, ridicule, odium, humiliation and contempt that is causing emotional and mental distress to Plaintiff. Defendant Dothan Eagle published stories with knowledge that they were false and continued publishing other articles with reckless disregard as to whether they were true or false.

Fact Five: Doug Valeska, district attorney for Houston County, Kirk Adams district attorney for Dale and Geneva counties, Alabama, and Andy Hughes, Sheriff of the same county, are the principal perpetrators of these outrageous lies aimed at thwarting righteous teachings of the Scriptures and the Constitution for the United States of America by Plaintiffs who are threatened with promises of planned mass arrests.

Fact Six: Bob Paudert, chief of police, West Memphis, Arkansas, lost his son in a gun battle involving one Jerry Kane and his son. The Kane's were ostensibly members of a "patriot movement". The Kane's were instead portrayed as members of the "Sovereign People of the Republic for the United States of America" led by Plaintiff Turner, who has never known the Kane's or been associated with them. Paudert is leading an organized nationwide false campaign in conjunction with some law enforcement against the Sovereign People that teach the Bible and the Constitution. Plaintiff Turner has a First Amendment right to free speech and, admittedly, not to free conduct. Turner's right to teach scriptural values and the Constitution for the United States of America are sacrosanct and inviolable.

D. RIPENESS AND STANDING

1. "The essence of a true standing question is . . . [does] the plaintiff have a legal right to judicial enforcement of an asserted legal duty? This question should be seen as a question of substantive law, answerable by reference to the statutory or constitutional provision whose protection is invoked." See William Fletcher, *The Structure of Standing*, 98 Yale L.J. 221, 223 (1988) at 229.

Foust lost his life for believing in the Holy Bible and the supreme law of the

land. Turner is being prevented by teaching and propagating his sincerely held religious beliefs and his reliance on the supreme law of the land – the Constitution for the United States of America.

2. A personally real, concrete and particularized controversy is at stake in this Complaint as to assure that concrete adverseness will sharpen the presentation of issues upon which this honorable Court so largely depends for illumination of difficult constitutional questions. *Baker v. Carr*, 369 U.S. 186, 204 (1962).

Foust lost his life for standing up to the supreme law of the land. The other plaintiffs been subjected to well-regulated smear campaigns; and sustained political demonization by being stigmatized as terrorists, separatists and extremists.

3. In *Massachusetts v. Environmental Protection Agency*, 549 U.S. 497 (2007) Chief Justice Roberts of the United States Supreme Court reiterated *three requirements for standing* that the court has derived from Article III of the Constitution, which limits the federal courts' jurisdiction to "cases" and "controversies." First there must be an allegation of a "concrete and particularized" injury, one that is "actual and imminent, not conjectural or hypothetical," and that affects the plaintiff personally and not simply "the public at large."

Second the injury must be "fairly traceable to the defendant's allegedly unlawful conduct." *Bennett v. Spear*, 117 S. Ct. 1154, 1163 (1997). Foust and Turner have met this unlawful conduct that has spurred this action.

Third, the injury must be "likely to be redressed by the requested relief."

Northeastern Florida Contractors v. Jacksonville, 508 U.S. 656, 663 (1993). Plaintiffs verily believe that this Court would redress his injury by the five reliefs requested.

Plaintiffs believe that the judiciary will be the final repository for relief as requested and sought in the interests of justice.

E. JURISDICTION AND VENUE

This Court has subject matter jurisdiction over this case under 28 U.S.C. § 1331 (Federal Question) because this action arises under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1986, a federal law; under 28 U.S.C. § 1343 (a)(3) because this action is brought to redress deprivations, under color of state law, of rights, privileges and immunities secured by the United States Constitution; and under 28 U.S.C. § 1343(a)(4) because this action seeks money damages for emotional and mental distress, loss of earning capacity, and other punitive damages under 42 U.S.C. § 1986, an Act of Congress.

Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because the Defendants reside in the District of Columbia, and in other States of the Union, and can be represented in Alabama by the Solicitor General of the United States.

F. PARTIES

Plaintiff Turner lives in Alabama. Plaintiff's followers live all over the United States of America.

Defendants President of the United States, the Speaker of the House of Representatives, the President of the Senate, and the Attorney General of the United States live in Washington D.C. that became a foreign corporation with respect to a state. Vol. 20, CJS, p. 1785; NY *re Merriam*, 36 N.E. 505, 1441 S. Ct. 1973, 41 L. Ed. 287. In February 21, 1871, the 41st Congress declared a “Government for the District of Columbia,” Sec.34, Session III, ch. 61 & 62. The other defendants are residents of the fifty States of the Union.

G. LAW AND ARGUMENT

1. Defendants have a sworn fiduciary duty toward the Plaintiffs in the social compact called the Constitution of the United States albeit implied. Defendants as governing agencies are chiefly responsible for establishing public policies unless specifically prohibited by a clear, constitutionally imposed restraint.

2. In an address delivered by Justice Hugo L Black at the Einstein Memorial Meeting-Town Hall (N.Y.C.), May 15, 1955, Justice Black reiterated that “life without liberty” was not “worth living.” “The desire of people to be free from government oppression” was the “same all over the world.” The Constitution, Justice Black said, “with its absolute guarantees of individual rights was the best hope for the aspirations of freedom which men share everywhere. Justice Black also shared the traditional American distrust of concentrated government power.

3. Plaintiffs contend and submit that the Defendants have abandoned their roles as guardians of sound public policies. The Constitution, especially the Bill of Rights, is violated daily. Plaintiff Turner has been denied a basic liberty to propagate his teachings of the Holy Bible and the U.S. Constitution.

4. In *Confederated Bands of Ute Indians v. United States*, 330 U.S. 169 (1947), the United States Supreme Court noted that presidential authority may not be created by arbitrary action of the President of the United States even if an Executive Order was issued.

5. Unlawful aliens have long been recognized as persons guaranteed Fifth and Fourteenth Amendment due process of law and under equal protection of law. *Shaugnessy v. Mezei*, 73 S.Ct. 625 (1953); *Wong Wing v. U.S.*, 16 S.Ct. 977 (1896); *Yick Wo v. Hopkins*, 6 S.Ct.1064 (1886); *Mathews v. Diaz*, 96 S. Ct. 1883(1976); and *Plyler v. Doe*, 102 S.Ct. 2382 (1982). Curiously, Plaintiffs have been denied these very rights that favor unlawful aliens.

6. Muslims in the United States of America appear to have better entrenched rights under the First Amendment as observed in a recent decision of the Circuit Court of the Thirteenth Judicial Circuit, Hillsborough County, Florida in Case No. 08003497 when Judge Richard A. Nielsen, circuit court judge for Division L, agreed with counsel that Muslims have a right to remove the adjudication of Islamic issues from non-Muslim courts to their own ecclesiastical (sharia) courts.

7. The dissent written by Justice John Marshall Harlan in *Downes v. Bidwell*, 182 U.S. 244 (1901) held that the U.S. Congress was always bound to enact laws within the jurisdiction of the Constitution. In it, he said, "This nation is under the control of a written constitution, the supreme law of the land and the only source of the powers which our government, or any branch or officer of it, may exert at any time or at any place." He held that the Congress had no existence, and therefore had no authority, outside of the

U.S. Constitution. He also said, "... *two national governments exist; one to be maintained under the Constitution, with all its restrictions, the other to be maintained by Congress outside and independently of that instrument.* By exercising such powers as other nations of the earth are accustomed to a radical and mischievous change in our system of government will result ... We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism ... *It will be an evil day for American liberty* if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence." (emphasis added).

Plaintiffs have reason to believe that Justice Harlan's cautionary warning has become an alarming reality in light of the Defendants' actions in the execution of Foust, and the tactics being perpetrated against Plaintiff Turner and his followers.

H. RELIEF SOUGHT

1. As relief for the First Cause of Action, Plaintiffs seek five hundred million dollars as cumulative damages representing compensatory, aggravated, general, exemplary and special damages for unnecessary loss of life occasioned by Foust.
2. As relief for the Second Cause of Action, a declaratory judgment in favor of Plaintiff Turner, and his followers and students, so that he, and others, will not be prevented, thwarted, threatened, or discouraged by law enforcement agencies and agents from teaching the Scriptures and

the U.S. Constitution in reliance of a constitutional right to free speech as guaranteed in the First Amendment, Bill of Rights, U.S. Constitution.

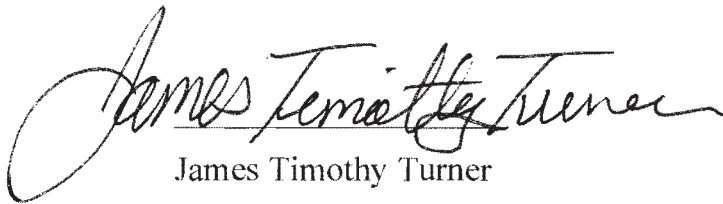
3. As relief for the Third Cause of Action, Plaintiff prays for one hundred and fifty million dollars representing compensatory, aggravated, general, exemplary and special damages, cumulatively, from Dothan Eagle for causing Plaintiff to suffer public humiliation, hatred, contempt, ridicule and loss of reputation in the wake of their libelous articles that have also caused severe emotional and mental distress to the Plaintiff.
4. In the interests of justice Plaintiffs reserve the right to amend this Complaint as further and better evidence surface to buttress Plaintiff's claims.

I. AFFIDAVIT OF PLAINTIFF JAMES TIMOTHY TURNER

I aver, assert and affirm that my lawful name is James Timothy Turner. I verily state that I am currently enrolled as a law student with the Indigenous Peoples Law Project Law College helmed by Judge Navin C Naidu of the 'Nato Indian Nation, Utah, and the Lipan Apache Band of Texas. Judge Naidu is a Member in Good Standing with the American Judges Association, Membership # 160325.

I crave the Court's indulgence in granting me the privilege of holding me to less stringent standards and to construe my pleadings liberally as in *Estelle v. Gamble*, 429 U.S. 97, 102 (1976) when Justice Thurgood Marshall cited *Haines v. Kerner*, 404 U.S. 519 (1972), concerning a pro se complaint, "however inartfully pleaded," must be held to "less stringent standards than 19 formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief," quoting *Conley v. Gibson*, 355 U.S. 41, 45-46.

Respectfully submitted this 22nd day of December, 2011.

A handwritten signature in cursive script that reads "James Timothy Turner". The signature is written in dark ink and is positioned above the printed name.

James Timothy Turner

Plaintiff *in propria persona*

285 East Broad Street

Ozark, Alabama 36360

Tel. (334) 774 7673

E-mail: jtturner022@yahoo.com

JURAT

State of Alabama)
) ss.
County of Dale)

The above named Plaintiff James Timothy Turner personally appeared before me, a Notary, and proved to me on the basis of satisfactory evidence and identification to be the man whose name is subscribed to the within instrument, and that by his signature on this Complaint to the United States district Court.

Under oath this 22 day of December, A.D. 2010

Cynthia J. Bowman
Notary name PRINTED

Cynthia J. Bowman
Notary Signature

**NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 4, 2014
BOARDED THRU NOTARY PUBLIC UNDERWRITERS**

My commission expires

Seal/Stamp